

Santa Barbara City Council Subcommittee on Homelessness and Community Relations
October 2, 2008
4:30 – 6:30 p.m.

David Gebhard Public Meeting Room
630 Garden Street
Santa Barbara, CA 93101

Topic - Support of the courts, District Attorney and County Probation to curb negative behavior (i.e. injunctions and increased penalties) and require offenders to receive services/treatment to get on the track to recovery

Council Members Present: Iya Falcone, Dale Francisco, Helene Schneider

Staff Present: Frank Mannix, Sue Gray, Steve Wiley, Don Olson, Rich Glaus

PUBLIC COMMENT

Bob Hansen asked about outreach to the homeless community regarding the meeting schedule for this subcommittee. Staff agreed to send a flyer to all the shelters and outreach workers listing the dates, times and locations of the next three meetings.

Peter Marin, Committee for Social Justice, asked the subcommittee to come up with a Bill of Rights for homeless individuals including what is not to be done to homeless by the police, jail, hospitals etc.

MINUTES

Staff was requested to add acceptance of all prior minutes to the next agenda.

1. FREQUENT OFFENDER/ZONE ENFORCEMENT PROGRAMS –

Captain Frank Mannix, S.B. Police Department, reported that the Courts changed their sentencing policy a couple of years ago and they are no longer issuing warrants for failure to appear on a citation, and they downgraded citations to a civil assessment only. As a result, the Police Department lost a valuable tool that had been used to help steer people into treatment programs. He then gave a report on two programs that have been developed to deal with chronic offenders who receive numerous citations for open container violations. The goal is to change the behavior and help people get on the road to recovery. The first program, Top Ten Offender Program, targets a small percentage of violators for open containers who are responsible for a large number of the overall violations. The possession of an open container in Santa Barbara is a misdemeanor; however it is treated as a citation only. 2,300 individuals received citations for open container violations last year, of these 1,800 were issued only one citation (77%); 9.3% of the individuals received 2 citations; and 3.6% received 11 or more (see attached fact sheet). The top ten offenders received 10% of the citations issued. These top ten offenders are prosecuted by the City Attorney's Office as misdemeanors and they are given the choice of jail time or treatment. Some of them are service resistant and they may elect to take jail time and be sentenced to 90 days, but due to the jail overcrowding they may actually serve only 3 – 4 days. The goal is to try to change their behavior and

even if they refuse treatment at least they will have a period of time to sober up and they may come out of jail ready to get help.

The Zone Enforcement Program targets six areas of the City where 43% of the open container violations occur. The zones include: 400-600 blocks of State Street; Main Library; Cabrillo Ball Field; 300 N – 300 S Milpas Street; Oak Park and Pershing Park (see attached fact sheet). 409 offenses occurred in these six zones in July 2008. Under this program, every violation that occurs in these zones will be filed as a misdemeanor (not just the top ten offenders).

Comments included: filing misdemeanors allows the offender to opt for a jury trial; the issue is a system wide problem and many people with substance abuse issues are also mentally ill; need better coordination with street outreach workers for the top 10 offenders as well as the Probation Department; there is a lot of effort by the police to help people before they reach the top 10 list; the Clean and Sober Court is willing to take on almost any case.

2. CHANGES IN COURT SENTENCING AND BENCH WARRANT POLICIES

Steve Wiley, City Attorney, gave some background information on the Courts. AB 139 is State legislation that allows local courts to impose civil assessments for infractions, misdemeanors and felonies instead of bench warrants. A couple of years ago the local Santa Barbara Court began implementing this bill, and like most courts, they only do this for infractions. The jurisdictions can collect fines through Small Claims Court; however the City Attorney's Office does not take anybody to Small Claims Court. The reason for implementing this bill may have to do with jail overcrowding or to make money by collecting civil assessments. Prior to this, if a person failed to appear for an infraction, such as open container, a bench warrant was issued for their arrest. This is no longer the case. In order to have a bench warrant issued the charge must be filed as a misdemeanor.

This is the reason that the City came up with the Top 10 Offender and Zone Enforcement Programs. In the past, the City never asked for jail time for open containers; they have been prosecuted as infractions or fines. The goal for the repeat offenders is to get them into treatment.

3. INPUT FROM COMMUNITY

Several comments were made, including:

- It is unknown if all 83 offenders on the list are homeless.
- Need to see what other Counties are doing, i.e. Bunks for Drunks in Seattle.
- There needs to be a downside to breaking the law.
- Punishment and consequences for those whom consequences mean nothing is fruitless.
- Need to make the 10-Year Plan work for the City.
- Councilmember Francisco commented that the charter of the subcommittee is not to solve the entire problem; the charter is to focus on the very real problems for people of the City of Santa Barbara.
- If 83 people are causing so much trouble then the community needs to deal with the issue.

- The five issues being looked at are all part of the 10-Year Plan so we can't look at the issues separately.
- Need to make it a term of probations that people get jobs or go to school.
- Need a concise strategy to deal with the 83 chronic offenders.
- Need to increase the Restorative Policing Program.
- Outreach work is essential for successful communities.
- There is no quick fix, need to build relationships on a long-term basis.
- Councilmember Schneider commented that a packet of information may contain how to communicate with people who won't communicate with the City and there is a need for a homeless court in south Santa Barbara County. She also commented that an enhancement of Restorative Policing would be great; however, there is a gap between citations being given and Restorative Policing Program. She agreed that the subcommittee is focused on five distinct issues; however they can not be separated from the 10-Year Plan.
- Councilmember Falcone commented that the issues are not separate, but they must be contained.
- Councilmember Francisco commented that he recognizes the connection, but he doesn't want to spend time talking about things that we can't do anything about.
- A homeless court does exist in South Santa Barbara County; it's with Commissioner DiCaro, but it hasn't been operating.
- Need to look at other violations, i.e. shopping carts and illegal lodging that affect the homeless population.

4. DATE/TIME OF NEXT MEETING

The dates and times of the next three meetings were announced as follows:

October 22nd	November 13th	December 18 th
1:30 – 3:30 p.m.	3:00 – 5:00 p.m.	10:00 a.m. – 12:00 noon

All meetings will be held in the David Gebhard Public Meeting Room, 630 Garden Street.

5. ADJOURN

The meeting was adjourned at 6:30 p.m.

ATTENDEES

John Buttny, Bringing Our Community Home
 Roger Heroux, Bringing Our Community Home
 Daniel Knapp, Client
 John Blomstrand, Fess Parker Doubletree
 Emily Roessler, Noah's Anchorage
 Steve Hyslop, Chuck's Waterfront Grill and
 Greater S.B. Lodging and Restaurant Assoc
 Jennifer Ferraez, County Alcohol Drug and
 Mental Health and Doctor's Without Walls
 Peter Marin, Committee for Social Justice

Isabel Blagborne, Council on Alcoholism and
 Drug Abuse
 Al Rodriguez, County Alcohol Drug and Mental
 Health
 Todd Crawford, Business Owner
 Bill Collyer, Santa Barbara Downtown
 Organization
 Karen Wheeler, Santa Barbara County Probation
 Department
 Maureen Earls, 10-Year Plan Board and Mission
 Justice Ministry